

Fax Cover Page

Date: 3/17/2017

Time: 12:57:10 AM

Pages: 15

To: U.S. Department of Justice

Attn.: Director, Office of Information Policy (OIP)

From: Brian David Hill

Fax ID: 276-790-3505

FOIA Appeal Case No. DOJ-AP-2017-002520

**Bit of Evidence that Assistant Federal Public Defender DELETED exculpatory evidence prior to Jury Trial and prior to Pretrial Motions period, showing evidence that confidence in my Attorney was compromised causing false guilty plea to the Honorable U.S. President Donald J. Trump and The White House staff/aides
Thursday, March 16, 2017 - 09:33 PM to 11:33 PM**

**CC: ATTN: Director; CC: OPR U.S. DOJ
Office of Information Policy (OIP)
United States Department of Justice
1425 New York Avenue, NW, Suite 11050
Washington, DC 20530-0001
Phone: (202) 514- 3642 (FOIA) // Fax: (202) 514-1009
FOIA Appeal Case No. DOJ-AP-2017-002520**

URGENT

I have now FAXED Evidence to The White House proving that the U.S. Attorney colluded with Mr. Eric David Placke the Public Pretender, to have me commit perjury and give up my right to prove my Innocence to a Jury of my Peers. This evidence will be presented in my FOIA Lawsuit as relevant to my FOIA Request asking for my discovery evidence to use in proving my Actual Innocence. Eric Placke has destroyed/deleted evidence that was in my favor. So was the U.S. Attorney who covered up, concealed, destroyed, or deleted evidence that would be in my favor. Two are birds of a feather, stick together.

My FOIA lawsuit will commence shortly once I find a good Attorney. Bad Faith U.S. Attorney doesn't want to release discovery records to me and allow me to give to independent forensic experts. You owe me Justice Department, time to make things right. I am a law abiding tax paying citizen, the customer is always right. Fix this?

**Bit of Evidence that Assistant Federal Public Defender DELETED
exculpatory evidence prior to Jury Trial and prior to Pretrial Motions
period, showing evidence that confidence in my Attorney was
compromised causing false guilty plea to the Honorable U.S. President
Donald J. Trump and The White House staff/aides**

Thursday, March 16, 2017 - 09:33 PM to 11:33 PM

ATTN: Honorable U.S. President Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Faxed to:
WH Press Corps # 1-202-266-7454
WH Fellowship #: 1-202-395-3888
WH OMB #: 1-202-395-3952
WH OMB #: 1-202-395-5648
-Please FWD to President and Staff-

Dear the Honorable U.S. President Donald J. Trump,

Unbelievable that I and my family had evidence, that my own Assistant Federal Public Defender, Eric David Placke had destroyed and deleted evidence in his own email account that would have been used to have a Factual-Basis for suppressing my false confession on June 4, 2014. This evidence is completely legal and documented because, the minute he had replied to an email sent by a member of my family, then he has sent a email which may contain evidence that he conducted misconduct and malpractice to such an extent where I never should have ever trusted my own Attorney, because his actions contradict his own statements in records on email record and on court record.

Placke lied to Federal Judge N. Carlton Tilley Junior on June 4, 2014, against my wishes that I wanted him to tell the Judge the truth, that my confession was false and was a byproduct of coercion. He also lied to the Federal Judge on my claim of possible evidence tampering, because he had access to the SBI Case file # 2012-20146, and the file was by the SBI Special Agent Rodney V. White's investigation file on Brian David Hill, which is myself. He completely avoided the State Crime Laboratory and completely did not do an Affidavit that I am aware of, so basically he expects the Federal Court to convict me on only his words not under Affidavit. Then of course Mr. Placke read through the SBI report because he told me things verbally in 2014 that he only could have learned from reading those pages. He used that to try to convince me of how difficult it would be to prove my actual innocence and to stick with my false guilty plea. Yet he completely ignored the fact that Page IV stated that over 400+ files had been downloaded using the eMule program between the dates July 20, 2012, and July 28, 2013. So if he is claiming that it may be child porn files, then he has admitted, without ever recanting such claims, that possible child porn files had downloaded from eMule since it was in Mayodan Police Custody on August 28, 2012. Then on Wednesday, October 3, 2012, at 1000 hours, the Detective in Mayodan Police Department persuaded SBI Agent Rodney V. White to take custody of my seized property and conduct the forensic analysis outside of the State

Crime Laboratory and outside of all rules concerning credible forensics practices and rules. So basically it appears that he just got on my Laptop, looking through my files and folders as well as possible files and folders created by computer hacker or hackers, and because of that child porn allegedly continue to download until July 28, 2013, likely when his forensic analysis was done. In other words he completely avoided all laws and guidelines regarding solid and credible forensics practices, allowed child porn and eMule to do work on the Laptop without any means to stop it. So when a Laptop is hacked, as I tried to tell the Police Detectives, but they ignored my claim of a Trojan horse, this creates a danger to the integrity of the very evidence that was used against me in Federal Court. The seized computer should no longer apply as any valid evidence against me, as he has admitted, without recanting any of his claims, that child porn had downloaded between the date that my Laptop was likely hacked, and up to the date when it was in the custody of the N.C. State Bureau of Investigation (SBI). The only evidence that was ever used to indict me was based upon my questionable confession that has verifiable false confession statements when cross examined with the SBI Case File # 2012-20146, and of course the SBI case file forensic analysis report which doesn't even follow the guidelines of the State Crime Laboratory, even though the Crime Lab was not separated from the SBI until a legislative action being done around sometime in 2013. Agent White meant to avoid the State Crime Lab, without giving a good reason, conducted questionable forensic work and there isn't even an Affidavit to verify the integrity of his work. I want to know why I was facing a conviction based upon questionable evidence and proven false confession statements? Why would our U.S. Department of Justice go along with this entire charade? Because normally people believe whatever law enforcement Agents say, even if they are caught lying. There is a heavy bias towards a police officer to lie on Government record versus a regular civilian lying on Government record.

The Federal Court was used as a vehicle against me, to prevent me from ever being served discovery papers and the confession Audio CD, and then the whole criminal case was one-sided with a Assistant Federal Public Defender that had me ready to take the guilty plea by refusing to do any work to prove my Innocence.

Let me begin with the evidence I further argue as to why my Attorney was not my Defense Attorney but was my enemy and was never going to do anything to prove my Innocence. He was working against me every step of the way.

Mr. Placke had apparently, according to a printed copy of an email that he had sent to my family, deleted all email attachments which contain exculpatory and important evidence and information. I shall cite Exhibit 1, in this letter along with a Declaration that makes it valid under the Federal Rules of Evidence.

I shall cite and quote the words from Exhibit 1, that proves that Mr. Placke deleted Affidavits and other important evidence that was sent to his email account from my family, while I was sitting in Jail.

Excerpt from Exhibit 1:

"Forwarded

Message From:

Eric Placke <Eric_Placke@fd.org>

To: Ken & Stella <kenstella2007@yahoo.com>

Sent: Monday, December 30, 2013 2:57 PM

Subject: Re: Info pertaining to Brian D. Hill"

"Mr. and Mrs. Fornish

Thank you for the documents attached to your email, as well as the medical records you faxed earlier today. I look forward to meeting you Thursday afternoon in Winston Salem"

"Eric D. Placke

Assistant Federal Public Defender

Middle District of North Carolina

301 N. Elm St., Ste. 410

Greensboro, NC 27401

voice: 336.333.5455, ext 234

fax: 336.333.5463"

Yes from that email alone, sounds pretty good that Mr. Placke cares so much about the very evidence that he deleted, blackballed, and then falsely claimed to a Federal Judge (he lied) on June 4, 2014 Status Conference, that I had no evidential basis to support any of my Pro Se Motions to Suppress my confession and Suppress the evidence. Multiple Affidavits confirming that Mayodan Police Chief Charles Caruso threatening me to "Fess Up" or else my mother would be held responsible. Then of course the fact that I made false confession statements when comparing my confession to the SBI Case File, which is my legal right to cross examine the evidence and witnesses. Placke ignored all evidence, even evidence from the Discovery packet, and twisted it around to make me take the guilty plea agreement or I face twenty years in Federal prison. He lied to the Judge that I had no basis aka the evidence to prove that my confession should have been suppressed in accordance with the U.S. Supreme Court's voluntary Confession rule. Placke ignored all evidence that would help me to try to demonstrate my Innocence to a Jury of my Peers.

Placke had nothing for me to use in the Jury Trial on June 10, 2014, because he apparently deleted and destroyed evidence that would have proven my basis on June 4, 2014. That Federal Judge didn't care, the Judge probably knew that my Attorney was lying to him in Open Court (lying to a Federal Judge is something nobody should do), but see with Placke lying that I had no evidence at all for my Innocence, the Court wouldn't have to take the time to authenticate it, to admit it as evidence, to prove what I am saying to be factually true.

Excerpt from Exhibit 1:

"From: Ken & Stella <kenstella2007@yahoo.com>

To: Eric Placke <Eric_Placke@fd.org>,

Date: 12/30/2013 01:24 PM

Subject: Info pertaining to Brian D. Hill

Stella & Ken Forinash[attachment "Asperger's Syndrome Info for Prosecutors.pdf" deleted by Eric Placke/NCMF/04/FDO] [attachment "Brian Dec. 2013 list of health issues and medical 2.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Brian Dec. 2013 list of health issues and medical.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Fax to Guilford County Jail.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Ken-Affidavit.jpg" deleted by Eric Placke/NCMF/04/FDO] [attachment "Ken's Affidavit.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Roberta-Affidavit.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Roberta-Affidavit.jpg" deleted by Eric Placke/NCMF/04/FDO] [attachment "Stella-Affidavit.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Stella-Affidavit.jpg" deleted by Eric Placke/NCMF/04/FDO]"

So, according to the last of what I shall excerpt from Exhibit 1, my family had emailed Mr. Placke around Monday, December 30, 2013 at 01:24 PM. Mr. Placke responded to their email on the very same day, around 2:57 PM. He responded to the email after 93 Minutes. In that short time period, in his reply, it stated in his reply that "Roberta-Affidavit.doc" deleted by Eric Placke/NCMF/04/FDO". Other Affidavits in the email attachment were also deleted by the email server user Mr. "Eric Placke". So why would Mr. Placke delete important evidence email attachments within less than 2 hours? Essentially 1 hour and 33 minutes, inside of that small time-frame, Mr. Placke had deleted all email attachments without deleting the original email message. It can be done using E-Mail programs such as Mozilla Thunderbird, Microsoft Outlook, and possibly other email programs that can run on Windows, Linux, or even Macintosh. If you have access to the E-Mail Server's IMAP email access and management protocol, then you can actually go into a live email then delete the email attachments, however the E-Mail server that Mr. Placke was using apparently recorded that he deleted the attachments in his email message, without him notifying my family, and the evidence that he deleted such evidence was kept recorded by the E-Mail Server or Client. It kept proof that there was a original email attachments of very important evidence documents, and those attachments were deleted by Mr. Placke, then he thanked my family for the very documents that he destroyed aka deleted from his E-Mail account.

Then I discover that according to a Docket entry (you can review this on PACER or

CM/ECF system, Case 1:13-cr-00435-WO, Document 55-3, Filed 01/12/15, Page 10 of 15), Mr. Placke had deleted another E-Mail attachment that would also help to prove my Innocence which is [attachment "Emails from Brian_s USWGO Google account.doc" deleted by Eric Placke/NCMF/04/FDO]". Another E-Mail attachment that Mr. Placke purposely deleted that would contain exculpatory evidence information. In that same E-Mail, he had encouraged my family to have me NOT withdraw my guilty plea, and that he personally did not think that I was framed with child porn. However he deleted all of the evidence E-Mail attachments and then makes the claim that he didn't think there was any credible evidence that I was "framed" or "set up" by anyone. Mr. Placke's legal opinion that shows that he thinks I'm guilty of child porn and that there is no possibly that I was framed with child porn, IS NOT VALID, since he has deleted all E-Mail attachments sent from my family to show him evidence that would help to prove my claims.

Exhibit 2, is proof that Mr. Placke was in collusion with the Assistant U.S. Attorney to get me to register as a Sex Offender by taking the guilty plea, after all of the deletions of evidence by Mr. Placke in his own E-Mail account. I don't think he is a computer expert as he deleted evidence from his E-Mail that would have helped me prove my Innocence, but he didn't realize that when he sent a reply to the very E-Mail that he deleted the very attachments, that it would notify my own Family that Mr. Placke deleted the original E-Mail attachments sent from my family in particular original E-Mails. So Mr. Placke deleted evidence and ignored the rest from my whole Family and Attorney Susan Basko, a Federal witness, and then colluded with the Assistant U.S. Attorney Anand Prakash Ramaswamy to have me register falsely, as a Sexual Offender, and that in return for selling my Soul, I would get time served prison sentence for a crime that I was framed on.

There you have it Mr. President and the Secret Service, Mr. Placke made sure that I could never use the Discovery evidence in my favor, deleted E-Mail attachments from my family then replied to those E-Mails acting as though he never did that. He is very deceptive as a lawyer, and should be removed from the Federal Public Defender Office. He even lied about my medical condition, and he worked against me throughout the whole entire case. Colluded with the U.S. Attorney, again according to Exhibit 2, for me to give up my Constitutional rights that I was never given throughout my criminal case, and falsely plead guilty under penalty of perjury. How wonderful that my lawyer politically back-stabbed me, my family, as a defacto Judas that turned around and deleted evidence that a Jury would have reasonable doubts upon reviewing. I have prima facie evidence that Mr. Placke deleted and ignored evidence that would help me be found Not Guilty.

What I have proven Mr. President is that Assistant Federal Public Defender, Eric David Placke, cannot be trusted in our Federal Court system, that he will delete evidence that would prove any of his Clients' Innocence, and would force every Defendant to take the Guilty Plea or risk a high sentence of imprisonment by losing the Jury Trial. Mr. Placke should be fired, without pay, and be completely removed from public Service as he

is the enemy of truth, enemy of logic, the enemy of evidence if such evidence shall defeat the U.S. Attorney's indictment.

I and my entire Family was betrayed by Mr. Placke since 12/23/2013, when U.S. Magistrate Judge, L. Patrick Auld, had ORDERED appointing Assistant Federal Public Defender ERIC D. PLACKE as counsel for BRIAN DAVID HILL, citing the Docket Sheet in my case, and was signed by MAG/JUDGE L. PATRICK AULD on 12/23/2013. (Daniel, J).

Mr. President, further evidence that Mr. Placke had no interest in proving my Actual Innocence. Deleting Affidavits and ignoring witnesses is the cornerstone of ineffective assistance of Counsel and misrepresenting the Defendant, violating the trust and integrity of Justice, betraying Clients trust and confidence. His only interest was getting me to agree to be guilty, to take that false guilty plea agreement under risk of perjury to protect the interests of the U.S. Attorney. He is 1000x times worse than just ineffective Counsel. He lied in Court record, lied to me and my family, the only people he didn't lie to was that he was majorly interested in getting that guilty plea deal with the Assistant U.S. Attorney Anand Prakash Ramaswamy and former U.S. Attorney Ripley Rand.

Mr. President, I need to prove my INNOCENCE then be fully pardoned. A copy of this will be sent to the U.S. Department of Justice Office of Information Policy as apart of evidence in support of my FOIA Appeal Case no. DOJ-AP-2017-002520. A copy will also be forwarded to the Office of Professional Responsibility (OPR), since the whole collusion caused me to falsely plead guilty under penalty of perjury, under already questionable evidence, after evidence was deleted by my own Defense Attorney, making backroom deals with the U.S. Attorney Office to quickly resolve my case by having me falsely plead guilty.

Mr. President, a Defense lawyer that has lied to my family, lied to me, lied about me in Federal Court, deleted evidence, colluded with the U.S. Attorney and has colluded with Federal Judges in Greensboro, who will vigorously defend that Attorney as if he was the best Attorney on the planet. This ain't just ineffective Counsel, but is also complete deprivation of my Constitutional rights before the Jury Trial and during the Jury Trial for my criminal case. My Constitutional and other legal rights completely subverted by the few corrupt Federal Judges N. Carlton Tilley Junior and William Lindsey Osteen Junior, the U.S. Attorney, my Assistant Public Defender, and even by the Clerk's Office when they knowingly refused to file my pleadings sent from Orange County Detention Center.

Such structural defect has been documented and proven, by external evidence and internal evidence within the Federal Court, and statements that were made. With so much proof that my Constitutional rights being deprived, proof my conviction is Unconstitutional.

Brian D. Hill
Signed

Thank You! & Sincerely,
Brian D. Hill

Former news reporter & Founder of USWGO Alternative News
Home Phone #: (276) 790-3505
310 Forest Street, Apt. 2. Martinsville, VA 24112

U.S.W.G.O.

Declaration of Evidence Attachments to above Letter

Thursday, March 16, 2017 - 10:54 PM EST

Declaration authorized by Title 28 U.S.C. § 1746

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. Whereas, I am a Defendant in the United States District Court, for the Middle District of North Carolina, case # 1:13-cr-435-1, titled: United States of America v. Brian David Hill, and I am pushing for a Presidential Pardon on the basis of Innocence. I am not a licensed attorney, but I am slowly learning more about the Federal Rules and filing procedures as I was not being represented by any of the Court Appointed lawyers in the past for trial Defense under the adversarial system, See U.S. Supreme Court Case Strickland v. Washington, 466 U.S. 668 (1984).

Enclosure/Attachments:

2. Attached hereto as Exhibit 1, is a true and correct copy of 2-Page printout of an Email forward from Ken & Stella (kenstella2007@yahoo.com), who had received a E-Mail response from Eric David Placke, First Assistant Federal Public Defender, that my family had received from around Monday, December 30, 2013 2:57 PM. My mother printed it for me in PDF format, to be attached as a true and correct Exhibit regarding a Attorney E-Mail communication between my family and Mr. Placke. E-Mail proves that Mr. Placke responded to my Grandparent's E-Mail account after he had deleted all Attachments to the very E-Mail that he originally replied to. What a Jerk!
3. Attached hereto as Exhibit 2, is a true and correct copy of a 1-page letter and 1-Page attachment from Mr. Placke when I was at Orange County Detention Center in Hillsborough, North Carolina. It was submitted to the Federal Court to be filed on Docket as evidence, as apart of one of my Pro Se filings. Letter was dated around June 4, 2014. The attachment is of an E-Mail from Assistant U.S. Attorney Anand Prakash Ramaswamy to Mr. Placke on what Mr. Placke thought was a "very favorable proposal for a plea agreement." Doesn't matter that it puts me at risk of a perjury charge, he wanted a plea agreement, and Mr. Placke got what he wanted. The second Page in this Exhibit proves collusion between my own Attorney and the Assistant U.S. Attorney that would end my ability to prove my Innocence to a Jury. It was filed on Federal Court Filing: Case # 1:13-cr-00435-WO, Document #62, Filed 01/29/15, Pages 8 and 9 of 62, U.S. District Court, for the Middle District of North Carolina. There were other attachments to that letter from what it says in the letter, but I feel that they aren't necessary for inclusion for the arguments I am making in my letter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 16, 2017.

Brian D. Hill
Signed

Signed

Brian David Hill(Pro Se)

Former news reporter & Founder of USWGO Alternative News

Home Phone #: (276) 790-3505

310 Forest Street, Apt. 2. Martinsville, VA 24112

U.S.W.G.O.

EXHIBIT 1

Subject: Fw: Info pertaining to Brian D. Hill

From: Ken & Stella (kenstella2007@yahoo.com)

To: rbhill67@yahoo.com; kenstella2005@yahoo.com; kenstella2007@yahoo.com;

Date: Thursday, March 16, 2017 12:04 AM

----- Forwarded Message -----

From: Eric Placke <Eric_Placke@fd.org>
To: Ken & Stella <kenstella2007@yahoo.com>
Sent: Monday, December 30, 2013 2:57 PM
Subject: Re: Info pertaining to Brian D. Hill

Mr. and Mrs. Fornish

Thank you for the documents attached to your email, as well as the medical records you faxed earlier today. I look forward to meeting you Thursday afternoon in Winston-Salem.

Eric D. Placke
Assistant Federal Public Defender
Middle District of North Carolina
301 N. Elm St., Ste. 410
Greensboro, NC 27401
voice: 336.333.5455, ext 234
fax: 336.333.5463

From: Ken & Stella <kenstella2007@yahoo.com>
To: Eric Placke <Eric_Placke@fd.org>,
Date: 12/30/2013 01:24 PM
Subject: Info pertaining to Brian D. Hill

Mr Placke,
Attached are files containing info we believe you should have pertaining to Brian D. Hill. If you have any questions or need to contact us, you can contact us at this email or at phone 276-632-2599. We also sent a fax to your office this morning with medical information about Brian.

We want to thank you for all you are doing to help Brian.

Stella & Ken Forinash[attachment "Asperger's Syndrome Info for Prosecutors.pdf" deleted by Eric Placke/NCMF/04/FDO] [attachment "Brian - Dec. 2013 list of health issues and medical - 2.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Brian - Dec. 2013 list of health issues and medical.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Fax to Guilford County Jail.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment

"Ken-Affidavit.jpg" deleted by Eric Placke/NCMF/04/FDO] [attachment "Ken's Affidavit.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Roberta-Affidavit.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Roberta-Affidavit.jpg" deleted by Eric Placke/NCMF/04/FDO] [attachment "Stella-Affidavit.doc" deleted by Eric Placke/NCMF/04/FDO] [attachment "Stella-Affidavit.jpg" deleted by Eric Placke/NCMF/04/FDO]

EXHIBIT 2

**FEDERAL PUBLIC DEFENDER
MIDDLE DISTRICT OF NORTH CAROLINA**

LOUIS C. ALLEN
Federal Public Defender

JOHN A. DUBERSTEIN
JOHN A. DUSENBURY, JR.
TIFFANY T. JEFFERSON
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251 N. Main Street
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Winston-Salem, NC 27101
Tel. (336) 631-5278
Fax: (336) 631-5280

June 4, 2014

Mr. Brian D. Hill
Orange County Jail
125 Court Street
Hillsborough, NC 27278

Re: United States of America v. Brian David Hill, 1:13CR435-1

Dear Mr. Hill

I am sorry you left for Orange County before I was able to meet with you after court. I realize that this morning's status conference was very upsetting and disappointing for you, and I look forward to the opportunity to discuss it with you in private. Because I will be out of town the next four days, and because the Court set such an early trial date, I have filed a motion to continue. Your copy of the motion and proposed order are enclosed.

As I mentioned in a footnote in the enclosed motion, late this afternoon the Government emailed the summary of a new, and very favorable proposal for a plea agreement. I am enclosing a copy of that email.

Finally, I have emailed your mother and grandparents to advise them of today's developments. I am enclosing a copy of that email as well.

I will meet with you as soon as I am able to do so after I return.

Sincerely,



Eric D. Placke
First Assistant Federal Public Defender



Hill

Ramaswamy, Anand (USANCM)

to:

Eric Placke (Eric_Placke@fd.org)

06/04/2014 04:40 PM

Hide Details

From: "Ramaswamy, Anand (USANCM)" <Anand.Ramaswamy@usdoj.gov>

To: "Eric Placke (Eric_Placke@fd.org)" <Eric_Placke@fd.org>

History: This message has been replied to.

Plea terms:

1. 3-point acceptance
2. Sex offender registration
3. Government concedes there exist grounds for downward departure under USSG 5H1.3 and 5H1.4
4. Government does not oppose a sentence of time served for the active portion, followed by a period of home detention with electronic monitoring, the period and other conditions being in the court's discretion

I believe that for this conviction, he could apply to come off the registry after 10 years.

Let me know if you seek additional terms or modifications of those above, and we will get a PA to you ASAP